



**TOQUERVILLE CITY
PLANNING COMMISSION MEETING MINUTES**

July 27, 2016

Work Meeting 6:30 p.m. - Regular Meeting 7:00 p.m.

Held at 212 N. Toquerville Blvd, Toquerville Utah

6:30 PM WORK MEETING:

Present: Chair Pro Tem Alex Chamberlain; Commissioners Jake Peart and Jerome Gourley; Staff: Mike Vercimak – Zoning Administrator, Dana McKim – Recorder.

Chair Pro Tem, Alex Chamberlain called the meeting to order at 6:32.

1. Review agenda items and any other assignments give to Planning commission from City Council.

Commissioner Jake Peart inquiring about whether or not the Planning Commission is responsible for enforcing CC&R's or HOA's in the city of Toquerville. Commissioner Gourley advised that Planning and Zoning have no bearing on these types of agreements, nor enforcement rights. Chair Pro Tem Chamberlain agreed and believes the Commission needs to just stick to City Code. CC&R's or HOA's are up to the neighborhood to enforce. Mike Vercimak, Zoning Official advised that the City doesn't enforce these types of regulations but it would be a benefit to keep their guidelines in mind when making decisions. Bed and Breakfast requests are Conditional Use Permits and they go thru a process of compliancy with City Code. If the CC&Rs are not active, anybody in the neighborhood can enforce the regulations. The Planning Commission is not to enforce their rules. Chamberlain stated it would be a good practice for the Planning Commission to strongly advise applicants to look at CCR's or HOA's when making an application.

2. Reports and update: None

Pro Tem Chair Alex Chamberlain ended work meeting at 6:51.

7:00 PM REGULAR MEETING:

Present: Chair Pro Tem Alex Chamberlain; Commissioners Jake Peart and Jerome Gourley; Staff: Mike Vercimak – Zoning Administrator, Dana McKim – Recorder; Public: Roger Campbell, Kalleen Campbell, Anita Eaton, Annette Klienman, Brant Tuttle-Northern Engineering, Lynn Williams, Guy Austen, Jessica Russo, Miki Rowan, Yolanta Heger, Kevin Towt, Debora Towt, Karlene Young, Scott Snow-UDOT, Lynn Olds.

1. Call to order by Chair Pro Tem, Alex Chamberlain, at 7:02 p.m. Pledge of Allegiance by Commissioner Jake Peart.
2. Disclosures and Declaration of Conflicts from Commission members. None given.

A. REVIEW OF MINUTES:

1. Review and Possible Approval of PC Meeting Minutes from May 18, 2016.

Motion made by Commissioner Gourley to approve the Planning Commission Minutes from May 18, 2016, second by Commissioner Peart. Motion is unanimous.

2. Disclosures and Declaration of Conflicts from Commission members. None given.



B. PRESENTATIONS:

None

C. PUBLIC FORUM:

Comments from public and public requests for future agenda items

* Limit three (3) minutes per person. Please address the microphone and state full name and address.

Lynn Williams at 1075 Ramose Circle in Cholla Creek to make comment on the Simple Subdivision. He is against this simple subdivision lot request. This application makes the creation for a flag lot. Historically Toquerville has denied this same type of request for similar lots across the river from this location. An exception can be made if there is a natural geographic seen by the commission to apply for an exemption. He believes that if this is approved there will be several other people in the future requests flag lots to be created on parcels.

Anita Eaton aka Anita Lowe formerly Planning Commission member. She advised Chair Pro Tem, Chamberlain that he may make a motion, vote on an item, or second an item.

Point of Order made by Mike Vercimak ~ Comments on any of the items on the Public Hearing will need to be on the Public Hearing, not the Forum. The audience can voice during the Public Hearing. Chamberlain thanked Vercimak for that point. Chair Pro Tem, Chamberlain advised the public will need to wait to speak on the items when the meeting reaches the Public Hearing portion of this meeting and asked if anyone else had comments to do so now.

Chair Pro Tem, Alex Chamberlain closed the Public Forum and now entering the Public Hearing.

D: PUBLIC HEARING:

1. Public input is sought on an application submitted by Kalleen and Roger Campbell for a proposed Bed and Breakfast located at 350 S Ash Creek Drive Toquerville, UT 84774. (Tax ID#T-ACP-25). Property is zoned R-1-20. Any members of the public wish to speak on this topic do so now.

Niki Rowan resides at 345 S Ash Creek is neighbors of the Campbells. Rowan stated the Campbells are great neighbors but she is opposed to this Bed and Breakfast. They moved to this cul-de-sac for more privacy, less traffic for them to worry about since they have children, and for a small community feel. She does realize there is more traffic due to the construction next door and the curiosity of people wanting to know what is being built. Rowan doesn't want any more traffic then there is already. The Ash Creek CC&R's that state in Article 2, Section 2 states, "That all lots shall be used only for single-family residential purposes and no professional or commercial use shall be made of the same, or any portion thereafter". In Article 5, section 1 states, "No commercial activity of any kind whatsoever should be conducted at the residence or any portion of the lot".

Jessica Russo resides at 245 W Sunset and is owner of Zion View Bed and Breakfast. She is in favor of this Bed and Breakfast the Campbells want to open. Just for her historical information, she advertises thru Air B&B. This company goes thru a selection process to get to know their customers prior to staying. Customers are allowed to critique businesses as well as giving the business a chance to give reviews on customers. In the month of July, Russo's business had 242 views on her business. Out of those views, she had 12 requests for bookings and 9 final reservations. Those 9 reservations filled her vacancies for the month of July. In summary these consumers stayed for more than one night. She wanted to point out that traffic has not increased at all. She compared this to experience to a family member staying at your house. They come later in the evening, they are quiet, and she has never had any issues. These people go and see the sights in the area, come back later in the evening, exhausted and sit out on the back patio. She has entertained several people and never has had an issue. She is very happy she decided to have a bed and breakfast.



Kevin Towt resides at 385 S Ash Creek Dr. Mr. Towt stated he is the owner of the concrete bunker at the end of the street. When they came into the area they were excited to create their living area that is currently in construction. Their property is their retirement home. Their finished home will have 9 bedrooms, which will be an expensive home and a beautiful lot. He is opposed to this bed and breakfast where this residential neighborhood will be compromised. They don't plan on doing anything commercially with their property, but will have friends come to speak and discuss things about the work they doing on their lot. He isn't opposed to the Campbell's advancing themselves but wants to protect the residential classification.

Anita Lowe/Eaton residing at 290 S Ash Creek Drive noted that two letters addressed to the Commission need to be read at this time concerning this property. She stated that the Campbell's have been good neighbors and she has strong feelings about the subdivision and why it was built. The area was originally an agriculture area. When the land was developed it was created for a residential use. Ash Creek has CC&R's along with several other subdivisions in Toquerville. She realizes that the town is not responsible for enforcement of CC&R's but the City does allow CC&R's to be recorded at the time a subdivision is accepted by the City. The City should acknowledge and adhere to those regulations. Those who purchase homes from the developers are given copies of the CC&R's that are recorded at the recorder's office. This type of activity requested by the Campbell family doesn't necessarily fit within the subdivision. She mentioned this fact when the Campbells first approached her on this item. She is not opposed to individuals using their home to their best ability but if you've purchased a home with CC&R's they should continue to be in effect. She and family members own property that surrounds this proposed project.

Letters read into the public record per Chair Pro Tem, Alex Chamberlain:

Laura Lowe :

I will be unable to attend the Toquerville City Planning Commission's Public Hearing on 7/27/2016 in person so please accept this email as my input. Item #1 is an application submitted by Kalleen and Roger Campbell for a proposed Bed and Breakfast in the Ash Creek Point subdivision. I object to this proposed land use.

I own building lot #14, within 300 feet of the Campbells. I have not yet built on my lot, but I purchased in that subdivision with the expectation that it would be maintained as an owner-occupied single family residence community in which I would like to live. Rentals, even a room for a night, destroy the notion of a single-family residence. The Campbell's proposal is not in keeping with the CC&Rs of the community. I also have concerns with the lack of proper off-street parking that is required for businesses and the additional traffic that will occur.

Thank you for allowing my input into this matter. I hope the planning commission will consider my opposition to the proposed Bed and Breakfast in Ash Creek Point subdivision as they make their decision. Sincerely,

Laura Lowe

Owner of T-ACP-14

385-321-8444

Lorin Lowe:

Dear Planning Commission,

I am against the proposed bed and breakfast at 350 S Ash Creek Dr. This is a residential zoned area and I do not want to see the increase in traffic. Also, it is against the CCRs in the subdivision in that there are to be no commercial activities.

Respectfully,

Lorin Lowe



2. Public input is south on an application submitted by Darren Cottam for a Simple Subdivision located at 1179 Cholla Dr. Toquerville, UT 84774. (Tax ID # T-T-110-B-1.) **Kalleen Campbell requesting to speak on item one. Alex Chamberlain stating point of order and asking if anyone present has objection to voicing her request. (No answer.)

Kalleen Campbell at 350 S Ash Creek Drive is requesting a Conditional Use Permit at this location for a Bed and Breakfast. She would like to point out the positive points of having a bed and breakfast and wants to educate what this business actually provides to the area and the benefits of them. Hurricane City has recently adopted an allowance for Bed and Breakfast businesses because they had some benefit in their community. Ash Creek's CC&R's don't differentiate between long term and short term rentals. People that have a rental, or bed and breakfast take better care of their property than people that rent long term. People that own Bed and Breakfast entities take better care of their property because it's an investment on their business, which increase the neighborhood property value. Campbell also stated this opportunity of added income decreases the probability of people defaulting on their property. It increases revenue for the City of Toquerville. This is a one-bedroom rental, involving one car. Patrons are usually coming in the evening and leaving in the morning. They are not here to hang out at our house. People that are coming to a Bed and Breakfast are looking for the address of where the location of stay is, so they are driving slow in the neighborhood to find the Bed and Breakfast. These people are not going to be roaring down the street, joy riding which makes the traffic concern a non-issue. Since our decision to go forward on this venture we have noticed that nearby neighbors have recently increased in the upkeep of their own property. There are some CC&R violations in which no action has been done in the past. Some neighbors in the community are very welcoming of this new Bed and Breakfast to move into the neighborhood. A letter by Marsha Wells who resides at 365 Bringham Circle was read due to the fact she was unable to attend this meeting. Her letter was in support of this Bed and Breakfast to be implemented in this neighborhood. Campbell then addressed the CC&R's directly. Rentals and leasees are permitted in the neighborhood. A Bed and Breakfast is a type of short term type of rental. Ash Creek point is zoned residential. Activities of a B&B are residential in nature. Commercial activities are mentioned in our CC&R's, but in the Western States Law Review no court could agree on a definition of Commercial Activity. We are asking for a Conditional Use Permit for guests to stay in our house. We are not selling anything other than that. She also researched the definition of "use". The Western States Law Review also was inconclusive of how to define that act as well. There is not a HOA to apply to for this permit and as such that is why the Campbells are requesting a recommended approval for this permit.

Item 2: Public input is south on an application submitted by Daren Cottam for a Simple Subdivision at 1179 Cholla Drive Toquerville, UT 84774 (Tax ID # T-T-110-B-1) Property is zoned R-1-20.

Lynn Williams resides at 1075 Ramose. The history of this property is such that it has been turned down several times in the past years for subdivision. This request would cause for a creation of a flag lot. Williams cited in code, "Significant natural features, as declared by the planning commission, exist on the property, that are not created by the applicant, such that a flag lot would better utilize the irregularly shaped properties." This is a rectangular flat piece of property. Total lot in this subdivision would not allow for the division or creation of 2-20,000 square foot lots.

Guy Austin resides at 2323 N Parks in California. He is opposed to this application. He is a neighbor to this property. He is going to build a residence next year on his property and retire here. The subdivision of this lot would cause more noise and a higher population density for this area.

Yolanta Heger resides at 1059 Ramose and objecting to this subdivision request. Her concern is the size of the lot and whether or not it is legal to subdivide the property. She believes a flag lot is not desirable for this area. Her concern of the increase of population density is a factor and she doesn't want to be looking at roof tops and more garages. Russo would like the community to stay smaller.



Anita Eaton wondered if somewhere in the application if it includes a map. (Copies of additional maps were made for the public at this time.)

Lynn Olds representing Daren Cottam on this issue as Daren is out of town. He stated all of the criterias for this request meet except for the first point stated. There are four lots that are not a part of the Cholla Creek Subdivision, which include this lot. The plans of Mr. Austin's home have been seen and a home can be built on the front of the property and it believes it will still look presentable in the back. The square footage is due fit. The sewer would go out the west side, on the property line of Austin's property and the adjacent lot in this request. Maps were given to the council with sewer lines and easements. Improvements will be done on this property to give services to the lot. Olds only question would be why they would need to pay all the impact fees when that could be done at the construction phase. Whatever the Commission requires they are willing to do.

Greg Walker's letter read by Commissioner Gourley:

Toquerville City Planning Commission
Notice of Simple Subdivision 1179 Cholla Drive

To Whom It May Concern:

In regards to notice of proposed Simple Subdivision located at 1179 Cholla Drive, Toquerville, UT 84774. (Tax ID#T-T-110-B-1). As proposed, the Parcel 2 would appear to be a "Flag Lot" by definition in City Code 10-2-1. Additionally, city Code 10-19-D-6-C begins by stating that flag lots shall only be allowed under the following conditions:

1. Significant natural features exist on the property, not created by the applicant, such that a flag lot would better utilize the irregularly shaped properties;

As you are aware, the proposed lot for simple subdivision is geometrically pleasing, one acre, flat rectangle, previously used for and zoned agricultural. As such, it is highly unlikely that this lot meets the initial criteria of creating a flag lot "due to significant natural features" and "better utilization of the irregularly shaped property".

Historically, this lot has been denied a simple subdivision proposal because the design would in fact necessitate the creation of a flag lot in the access of the back portion of the rectangular lot; which is referred to in this proposal as parcel two. Additionally, lots across Cholla Drive have in the past been denied simple subdivision requests and inquiries due to City Code and concerns regarding formation of flag lots.

To allow the current proposal to continue as designed would appear to be at odds with current Toquerville city Code. Approval of this application would go against precedent and may expose the city to a liability. Cholla Creek is composed of a number of one acre rectangular lots that would be candidates for Simple Subdivisions, if Code 10-19D-6-C is disregarded in this current application.

As proposed, I cannot support this application.

Greg Walker
1159 Ocotillo Circle
Toquerville, UT 84774

3. Public input is sought on an application submitted by Jerry Eves for a proposed Solar and Wind Energy Project located in the area bordering the Grand Circle Ranch property, on the West side of I-15. Tax ID # 3125-TR. Property is zoned BMP.



Anita Eves asked if the tax ID is in the County, or in the City of Toquerville. She was notified this property has been annexed into the City. Anita asked if this is a request for a Conditional Use Permit, to which Chamberlain replied yes. Eves believes that if a permit is requested it needs to be active and she was unaware of any of his projects that are currently active. She is curious as to why the permits in the past which have been issued have had no action and these permits are continued to be applied for. It was explained to Eves that Conditional use permits have been granted for Jerry Eves in the past, on similar projects, but this is for a new location. Mike Vercimak stating there are some extenuating circumstances in these requests. Commissioner Gourley stated there is an operational agreement with the City of Toquerville and this has been an extended process. Vercimak believes that as long as the requestor is asking for a renewal there are no limits on how times you may ask for a renewal.

Scott Snow – Representative from Utah Department of Transportation, Right of Way Control Coordinator. This project was researched and spoken in length, but prior contact on the project was at a different location. Snow is neither against nor for this project for the sheer fact there hasn't been new information given to him in regards to what the project plan entails for this new area. Snow would like more information and that public safety is the primary purpose for what the freeway is for and there isn't a negative impact for highway safety.

Brant Tuttle – Representative from Northern Engineering. Jerry couldn't be here tonight and as such Brant will be speaking on his behalf. The original approval was for the Anderson Junction site. The property he is proposing now is owned by the State Institution Trust Lands. They get a certain percent of kilowatts generated and an agreement to maintain the property back to the original site of the property when this project is done. This project will allow the institution to receive funds on property that isn't generating any revenue. Jerry is proposing 30 engine turbine sites. It takes about three years to obtain a power agreement thru Rocky Mt. Power. He was able to get the Anderson Junction site, and after three years later the financial agreement had changed and it was not financially affordable to go forward with the energy project located at Anderson Junction. If the renewal process on the new project needs to be done each year that won't be an issue.

Public Hearing Closing and Business Action will start. Interest on public input can also addressed at the next town council meeting.

E. BUSINESS/ACTION:

1. Discussion & Possible Approval on a Conditional Use Permit of a Bed & Breakfast ~ 350 S Ash Creek Drive / Kalleen and Roger Campbell

Commissioner Gourley read the developmental staff report with the recommended approval:

- | | | |
|----|--|-----|
| A. | Will this use result in traffic congestion and traffic hazards? | NO |
| B. | Is there adequate and necessary access for safety services? | YES |
| C. | Will this use require a level of service that is greater than what is available? | |
| D. | Will this use cause air, water, groundwater, light or noise pollution? | |



- | | | |
|----|--|-----|
| E. | Does this use have expansive soils, slope instability, or other soil problems? | NO |
| F. | Will this use comply with the minimum requirements of the zone? | YES |
| G. | Will this use comply with other requirements of the code? | YES |
| H. | Will this use be compatible with the character of the neighborhood? | YES |
| I. | Will it conform in scale, mass and traffic circulation? | YES |
| J. | Has the applicant demonstrated performance of the obligations? | YES |
| K. | Is a bond suitable to the Planning Commission required? | NO |

Findings:

Staff met with the applicant and reviewed the application on July 12, 2016. The applicant was also interviewed. It was found that this application has met the requirements for Conditional Use Permit and that all submittals, as required have been turned in.

Recommendations

Staff recommends this application for approval with the following conditions:

1. The owner shall limit total occupancy on the dwelling to no more than 10 persons.
2. The Applicant must address and correct any items required by the Hurricane Fire District and Ash Creek Special Service District, as well as Toquerville Building Official And Zoning Administrator. Applicant must obtain required signatures from Hurricane Fire District, Ash Creek Special Service District, Toquerville Building Official and Toquerville Zoning Administrator.
3. The applicant shall obtain all Local, State and Federal licenses required and agrees to abide by all rules and regulations of each such jurisdiction.
4. Applicant must provide off-street parking as required by Ordinance ie; one stall for each guest room and 2 stalls for owner.
5. Applicant shall not allow any cooking in guest rooms.
6. Applicant must obtain approval and licenses from local and state health departments.
7. This permit shall receive an annual review by the Toquerville Planning Commission.
8. This permit cannot be enlarged, expanded or changed otherwise without express written consent from the City of Toquerville.



Commissioner Gourley makes a motion of recommended approval of this permit and also recommends approval with contingency of an additional condition, #9 to this conditional use permit, to be compliant with the existing CC&R's. Second by Commissioner Jake Peart. Motion is unanimous.

****08-17-2016 Modification to the notes:***

****Chairman Gourley would like to modify the minutes from July 27, 2016 in regards to the Campbell's Bed and Breakfast Conditional Use Permit. In his motion he did not want to include the Campbell's conditions to seek "compliance" with Ashcreek Point Subdivision but to seek "consideration of" Ashcreek Point Subdivision. Gourley would like to change his motion.***

****Commission Alex Chamberlain changes his motion from July 27, 2016 for the Conditional Use Permit to be granted for the applicants Kalleen and Roger Campbell with an additional request they seek consideration of the Ashcreek Point Subdivision, second by Commissioner Peart. Motion is unanimous.***

2. Discussion & Possible Approval for a Simple Subdivision ~ 1179 Cholla Drive / Daren Cottam
Chair Pro Tem Chamberlain reciting the recommended denial in the Developmental Staff Report in regards to the significant natural features and believes that due to this restriction he agrees with this report and would recommend denial of this application.

Commissioner Jake Peart recommended denial application for this application for a simple subdivision based on 10-19-D-6, second by Commissioner Gourley. Motion is unanimous.

3. Discussion & Possible Approval on a Conditional Use Permit of a Power Energy Project~ area boarding Grand Circle Ranch Property on the West side of I-15 / Jerry Eves

Commissioner Gourley read the following Developmental Staff Report:

- | | | |
|----|---|-----|
| A. | Will this use result in traffic congestion and traffic hazards? | NO |
| B. | Is there adequate and necessary access for safety services? | YES |
| C. | Will this use require a level of service that is greater than what is available?
We have received a vicinity map, solar panel layout plan and solar panel area plan, but these are not sufficient to make a determination on what services and at what level will be required. | ??? |
| D. | Will this use cause air, water, groundwater, light or noise pollution?
We have not seen any environmental evaluations on this type of project.
We do not know what problems may or can exist. | ??? |
| E. | Does this use have expansive soils, slope instability, or other soil problems?
We have not received any soils report or evaluation of this site. | ??? |
| F. | Will this use comply with the minimum requirements of the zone? | |



- G. Will this use comply with other requirements of the code? YES
- H. Will this use be compatible with the character of the neighborhood? YES
- I. Will it conform in scale, mass and traffic circulation? YES
- J. Has the applicant demonstrated performance of the obligations? YES
- K. Is a bond suitable to the Planning Commission required?
This project may be required to have a bond in accordance with a Development agreement between the Owner and the City of Toquerville.

Findings:

Staff met with the applicant and reviewed the application on July 12, 2016. The applicant was also interviewed. This is a new application not only to the City of Toquerville, but also from this Developer. Staff feels compelled to ask for a soils evaluation, an environmental assessment, a detailed site plan showing approximate location and extent of improvements and construction drawings showing how and where the utilities, if required, would come from. We are also questioning whether the current Development Agreement covers the generation of energy from a solar project.

Recommendations

Staff recommends this application for approval with the following conditions:

1. Provide a detailed site plan and approved construction drawings for all improvements.
2. Provide a soils investigation and report for the site.
3. Provide proof that an environmental assessment has been completed and the results Of such assessment.
4. Obtain signed consent and intent to deliver forms from the following:
 - a. Hurricane Valley Fire District
 - b. Ash Creek Special Service District
 - c. Toquerville Building Official
 - d. Washington County Water Conservancy District
 - e. Toquerville Zoning Administrator
5. Obtain and maintain all required local, state and federal permits and licenses.
6. Obtain the required building and grading permits from the City of Toquerville and Others, as may be required, for the preparation and development of the site.
7. Provide evidence that this project (solar energy generation) has been and is currently Covered under the Development Agreement with City of Toquerville.



8. Permit cannot be enlarged, expanded or changed otherwise without express written Consent of City of Toquerville.
9. Permit will receive an annual review from the Toquerville Planning Commission.
10. Other conditions deemed essential and necessary for approval and continuation of this Request.

Commissioner Gourley requesting an additional requirement, it would be item #F4 of a signed consent and intent to deliver forms, to include UDOT on this conditional use permit.

Commissioner Jake Peart questioning whom is responsible for the completion of these requirements. Mike Vercimak stating that during this process the developer makes sure this completed and it's moved along to City Council.

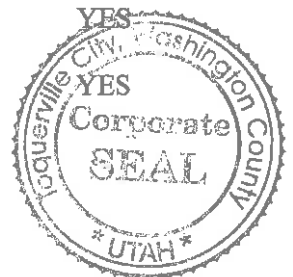
Commissioner Jerome Gourley makes a motion to table this item, no second. Motion dies for lack of a second.

Commissioner Jake Peart makes a motion for recommended approval to City Council, with an addition of item #4 on the staff recommendation to include UDOT. Second by Chair Pro Tem, Chamberlain. Motion passes 2-1. Gourley opposes.

4. Discussion & Possible Approval on a Conditional Use Permit of a Wind Power Energy Project~ area bordering Grand Circle Ranch Property on the West side of I-15 / Jerry Eves

Developmental staff report read by Commissioner Gourley:

- | | | |
|----|---|-----|
| A. | Will this use result in traffic congestion and traffic hazards? | NO |
| B. | Is there adequate and necessary access for safety services? | YES |
| C. | Will this use require a level of service that is greater than what is available?
<i>This question has not been fully addressed at this time. Staff has received a vicinity Map and an access plan but no utility plan.</i> | ??? |
| D. | Will this use cause air, water, groundwater, light or noise pollution? | NO |
| E. | Does this use have expansive soils, slope instability, or other soil problems?
<i>We have not been provided with any soils reports at this time. We do not know what Conditions may exist.</i> | ??? |
| F. | Will this use comply with the minimum requirements of the zone? | YES |
| G. | Will this use comply with other requirements of the code? | YES |
| H. | Will this use be compatible with the character of the neighborhood? | YES |
| I. | Will it conform in scale, mass and traffic circulation? | YES |



J. Has the applicant demonstrated performance of the obligations? YES

K. Is a bond suitable to the Planning Commission required?
A bond, as required by the Development agreement between the parties may be required.

Findings:

Staff met with the applicant and reviewed the application on July 12, 2016. The applicant was also interviewed. Mr. Eves did not provide any mailing addresses or the required items for publication but Providing that these items are provided the matter is scheduled to heard at the July 27, 2016 Planning Commission meeting. There are several items that have not yet been provided but these items can be Provided as the application makes its way through the process.

Recommendations

Staff recommends this application for approval with the following conditions:

1. Provide a detailed site plan and approved construction drawings for all improvements.
2. Provide a soils investigation and report for the site.
3. Obtain all required local, state and federal permits and licenses as required by law.
4. Provide proof to the City of Toquerville that an environmental assessment has been Completed and that all requirements have been met.
5. Obtain signed consent forms from:
 - a. Hurricane Valley Fire District
 - b. Ash Creek Special Service District
 - c. Toquerville Building Official
 - d. Toquerville Zoning Administrator
6. Obtain the required building and grading permits from the City of Toquerville for the The preparation and development of the site.
7. This permit cannot be enlarged, expanded or changed otherwise without express written Consent of the City of Toquerville.
8. This permit shall receive an annual review from the Toquerville Planning Commission.

Gourley requesting if a soils test has been done on this property. Vercimak stating that during the building permit testing would occur at that time.

Commissioner Peart makes a motion for a recommended approval for City Council with an additional amendment for consultation with UDOT and approval for this project. Second by Jerome Gourley. Motion passes unanimously.

5. Discussion on LED Lighting Ordinance and possible Public Hearing



Chair Pro Tem, Chamberlain requesting to table this item until speaking with Planning Chairman, Mike Ruesch in regards to this agreement on paragraph D5. There is a question on the lighting plan in regards to the actual foot candle measurements.

Chair Pro Tem, Chamberlain makes a motion for the LED Lighting Ordinance be held in a Public Hearing, second by Commissioner Gourley. Motion passes unanimous.

F. HO/CUP REVIEWS:

Commissioner Gourley requesting if the business license is current and no fees are needed. Recorder McKim stating all fees are paid and no complaints have been filed.

1. Home Occupation Conditional Use Permit for Vannessa Haines at 942 S Peachtree Drive ~ Blankiez, LLC Business License #2016-21.

Motion to approve CUP on Blankiez made by Commissioner Gourley, second by Jake Peart. Motion unanimous.

2. Home Occupation Conditional Use Permit for Vannessa Haines at 942 S Peachtree Drive ~A to Z Boutique, Business License # 2016-23.

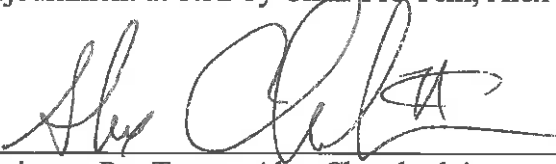
Motion to approve CUP on A to Z Boutique made by Commissioner Peart, second by Jerome Gourley. Motion unanimous


3. Conditional Use Permit for Gary & Karlene Young at 460 N Toquerville Blvd, Business License#2016-38.

Karlene Young briefly stated that there have been minor changes to her conditional use permit and wanted to make sure she was compliant. She will speak with Mike Vercimak in regards to these changes.

Motion to table this item until next month by Chair Pro Tem, Chamberlain, second by Commissioner Jerome Gourley. Motion is unanimous.

Adjournment at 8:32 by Chair Pro Tem, Alex Chamberlain.


Chairman Pro Temp: Alex Chamberlain


Attest: Dana M. McKim, Toquerville City Recorder

